

1 ROB BONTA
Attorney General of California
2 BENJAMIN G. DIEHL
Supervising Deputy Attorney General
3 CRISTINA M. MATSUSHIMA
Deputy Attorney General
4 State Bar No. 291220
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013-1230
Telephone: (213) 269-6218
6 Fax: (916) 731-2125
E-mail: Cristina.Matsushima@doj.ca.gov
7 *Attorneys for Defendant Board of Trustees of the*
California State University

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12
13 **EDWIN HAMID NAHAVANDI,**

14 Plaintiff,

15 v.

16 **BOARD OF TRUSTEES OF THE**
17 **CALIFORNIA STATE**
18 **UNIVERSITY (the State of**
California acting in its higher
education capacity),

19
20 Defendant.
21

2:24-cv-03791 RGK(Ex)

**DISCOVERY MATTER: LOCAL
RULE 37 JOINT STIPULATION IN
SUPPORT OF DEFENDANT'S
MOTION FOR TERMINATING
SANCTIONS AND MONETARY
SANCTIONS OR, IN THE
ALTERNATIVE, EVIDENTIARY
SANCTIONS**

Date: March 28, 2025
Time: 9:30 a.m.
Courtroom: 750
Judge: Magistrate Judge
Charles F. Eick

Discovery Cutoff: April 11, 2025
Pretrial Conference: June 23, 2025
Trial Date: July 8, 2025
Action Filed: May 7, 2024
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TABLE OF CONTENTS

	Page
INTRODUCTORY STATEMENTS.....	4
I. Moving Party CSU.....	4
II. Opposing Party.....	5
Initial Disclosures	5
I. Moving Party’s Requested Information – Initial Disclosures	5
II. Responding Party’s “Written Disclosures”	5
III. Moving Party’s Position	5
IV. Opposing Party’s Position.....	7
Special Interrogatories (Set 1)	7
I. Interrogatory No. 1.....	7
II. Interrogatory No. 2.....	9
III. Interrogatory No. 3.....	12
IV. Interrogatory No. 4.....	14
V. Interrogatory No. 5.....	17
VI. Interrogatory No. 6.....	19
VII. Interrogatory No. 7.....	21
VIII. Interrogatory No. 8.....	24
IX. Interrogatory No. 9.....	26
X. Interrogatory No. 10.....	29
XI. Interrogatory No. 11.....	31
XII. Interrogatory No. 12.....	34
XIII. Interrogatory No. 13.....	36
XIV. Interrogatory No. 14.....	38
XV. Interrogatory No. 15.....	41
XVI. Interrogatory No. 16.....	43
XVII. Interrogatory No. 17.....	45
XVIII. Interrogatory No. 18	48
XIX. Interrogatory No. 19.....	50
XX. Interrogatory No. 20.....	52
XXI. Interrogatory No. 21.....	55
XXII. Interrogatory No. 22.....	57
XXIII. Interrogatory No. 23	60
XXIV. Interrogatory No. 24	62

INTRODUCTORY STATEMENTS

I. MOVING PARTY CSU

Defendant Board of Trustees of the California State University (CSU or Moving Party) moves for sanctions against Plaintiff Edwin Hamid Nahavandi (Plaintiff) for his failure to comply with Magistrate Judge Charles F. Eick’s Discovery Order, dated December 18, 2024, instructing Plaintiff to “serve written Rule 26(a) initial disclosures” and “serve without objection verified answers to the subject interrogatories[.]” Discovery (Disc) Order 2-3, ECF 67; Matsushima Decl., **Ex. A**. Plaintiff has failed to serve responses that comply with the Discovery Order or the applicable Federal Rules of Civil Procedure, which is tantamount to serving no responses at all. Specifically, while Plaintiff’s discovery responses vaguely reference his unverified Complaint and other Court filings, he fails to provide substantive information or identify with any specificity *where* in these documents the responsive information may be found. *See* Matsushima Decl., **Exs. B-D**.

CSU respectfully requests terminating sanctions and attorney’s fees or, in the alternative, evidentiary sanctions against Plaintiff. Plaintiff’s ongoing refusal to meaningfully participate in discovery in this matter has severely prejudiced CSU’s ability to investigate the basis for his allegations, meaningfully evaluate resolution options, or prepare its defense, and Plaintiff cannot be permitted to benefit from his impertinence and disregard for basic procedure.

Prior to bringing this motion, on January 27, 2025, CSU’s counsel sent Plaintiff a letter detailing the deficiencies in his discovery responses. Matsushima Decl., **Ex. E**. The parties then conferred in person after Plaintiff’s deposition on January 29, 2025. Matsushima Decl., ¶¶ 12-13. During the conference, CSU’s counsel explained that Plaintiff’s discovery responses were deficient, particularly because they only vaguely referenced his own Complaint and other filings without providing substantive responses or sufficient detail. *Id.* CSU’s counsel expressly

1 noted that failure to provide compliant responses could result in monetary,
2 terminating, or evidentiary sanctions. *Id.* Plaintiff, however, stated that he would
3 not amend his interrogatory responses, and he affirmed that he was resting on the
4 statements in his Complaint and other court filings. *Id.* This Motion follows.

5 The Moving Party's Position is restated almost verbatim regarding Special
6 Interrogatory Nos. 2 through 24. CSU repeats its position as to each interrogatory
7 solely to conform to the Local Rule 37-2.1 Joint Stipulation formatting
8 requirements.

9 **II. OPPOSING PARTY**

10 Plaintiff provided his response in a separate document. *See* Matsushima Decl.,
11 ¶ 18, Ex. I.

12 **INITIAL DISCLOSURES**

13 **I. MOVING PARTY'S REQUESTED INFORMATION – INITIAL DISCLOSURES**

14 Defendant requested written disclosures that comply with Federal Rules of
15 Civil Procedure, rule 26 (a)(1)(A)(i), including “the name and, if known, the
16 address and telephone number of each individual likely to have discoverable
17 information—along with the subjects of that information—that the disclosing party
18 may use to support its claims or defenses, unless the use would be solely for
19 impeachment[.]”

20 **II. RESPONDING PARTY'S “WRITTEN DISCLOSURES”**

21 Plaintiff's written disclosures consist of his statement that “The entities along
22 with the subjects of that information as characterized by Plaintiff's given
23 information towards case number 2:24-cv-03791 serves as the true disclosure.
24 Defendant CSU has records pertaining to this information under their control and
25 custody, for possession.”

26 **III. MOVING PARTY'S POSITION**

27 Plaintiff has failed to provide written disclosures in compliance with the
28 Federal Rules of Civil Procedure or this Court's Discovery Order. His “Written

Disclosures” are vague, nonresponsive, and incomprehensible, which is tantamount to serving no disclosure at all. Fed. R. Civ. P. 37(a)(4). Plaintiff’s repeated failures to serve compliant responses thwarts the very purpose of discovery, which is “to remove surprise from trial preparation so the parties can obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel. Schwartz v. TRW, Inc.*, 211 F.R.D. 388, 392 (C.D. Cal. 2002) (citing *Oakes v. Halvorsen Marine Ltd.*, 179 F.R.D. 281, 283 (C.D. Cal. 1998)).

Sanctions are appropriate here. “If a party fails to disclose information required by Rule 26 then exclusion of the evidence under Federal Rule of Civil Procedure 37 is proper ‘unless the failure to disclose was substantially justified or harmless.’” *Santa Clarita Valley Water Agency v. Whittaker Corp.*, 99 F.4th 458, 470 (9th Cir. 2024) (quoting *Hoffman v. Constr. Protective Servs. Inc.*, 541 F.3d 1175, 1179 (9th Cir. 2008)). Moreover, a terminating sanction is justified based upon a showing of “willfulness, bad faith, and fault.” *Connecticut Gen. Life Ins. Co. v. New Images of Beverly Hills*, 482 F.3d 1091, 1096 (9th Cir. 2007) (discussing the factors to consider when evaluating appropriateness of terminating sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). The party facing sanctions “‘carries the burden of demonstrating that the failure to comply with” disclosure rules “is substantially justified or harmless.’” *Haas v. Travelex Ins. Servs. Inc.*, 679 F. Supp. 3d 962, 966 (C.D. Cal. 2023) (quoting *Jarrow Formulas, Inc. v. Now Health Grp., Inc.*, No. CV 10-8301 PSG (JCx), 2012 WL 3186576, at *15 (C.D. Cal. Aug. 2, 2012)).

Plaintiff has failed to comply with the very basic requirements of Rule 26(a)(1)(A)(i), namely his duty to provide the names of individuals “likely to have discoverable information,” which will help CSU investigate Plaintiff’s claims and develop its own defense. In fact, despite initiating this action in May 2024, Plaintiff has provided *no substantive written responses at all*, either via Written Disclosure or in response to discovery requests. Plaintiff’s failure to meaningfully

1 participate in the discovery process has prejudiced CSU's ability to evaluate and/or
2 resolve this dispute. This matter cannot be tried on the merits because CSU
3 currently has no access to the "true facts" of the case, beyond the information
4 within its own possession. *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096.
5 Importantly, this Court already warned Plaintiff of the potential for sanctions,
6 including termination sanctions, that may result from his "failure timely to comply
7 fully" with the Court's Discovery Order. Disc. Order 2-3, ECF 67; Matsushima
8 Decl., Ex. A.

9 Due to Plaintiff's failure to comply with this Court's Discovery Order, CSU
10 seeks sanctions, including attorney's fees and dismissal of this action or, in the
11 alternative, an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P.
12 37(b)(2)(A)(ii), (v).

13 **IV. OPPOSING PARTY'S POSITION**

14 Plaintiff provided his response in a separate document. *See* Matsushima Decl.,
15 ¶ 18, Ex. I.

16 **SPECIAL INTERROGATORIES (SET 1)**

17 **I. INTERROGATORY No. 1**

18 **Interrogatory:** IDENTIFY YOUR roommate(s), as referenced in paragraphs
19 10 through 15, 49, and 99 of the COMPLAINT.

20 **Response:** Plaintiff, a witness to the events, provides this response based on
21 either his current recollection, memory, and information reasonably available, or its
22 entirety. Both roommates were pronounced as "KRIS-chen", as their names reflect
23 on such contextual pronunciation towards their legal names. Defendant CSU has
24 records pertaining to this information under their control and custody, for
25 possession, of all Plaintiff's roommates contextually pronounced as "KRIS-chen".

26 **Moving Party's Position:** A party may serve on any other party written
27 interrogatories that "may relate to any matter that may be inquired into under Rule
28 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the

1 party to whom they are directed,” and the answering party must sign the responses.
2 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

3 In responding to discovery, an “evasive or incomplete disclosure, answer, or
4 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
5 have “unambiguously” rejected as deficient the assertion that the requested
6 information is already in the propounding party’s possession. *Nat’l Acad. of*
7 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
8 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
9 ““answer an interrogatory by specifying records from which the answers may be
10 obtained and by making the records available for inspection,”” a “party that elects
11 to avail itself of this option . . . must ‘*specify where in the records the answers*
12 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
13 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
14 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
15 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

16 If a party “fails to obey an order to provide or permit discovery,” the court
17 may “issue further just orders,” including: prohibiting the disobedient party from
18 supporting or opposing designated claims or defenses, or from introducing
19 designated matters in evidence; striking pleadings in whole or in part; dismissing
20 the action or proceeding in whole or in part; or rendering a default judgment against
21 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
22 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
23 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
24 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
25 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
26 discovery violations make it impossible for a court to be confident that the parties
27 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
28 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions

1 ““carries the burden of demonstrating that the failure to comply with” disclosure
2 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966
3 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

4 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
5 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
6 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
7 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
8 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
9 response to each and every interrogatory referring to his prior court filings, which is
10 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
11 repeated failures to serve compliant responses thwarts the very purpose of
12 discovery, which is “to remove surprise from trial preparation so the parties can
13 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
14 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

15 Plaintiff’s failure to meaningfully participate in the discovery process has
16 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
17 be tried on the merits because CSU currently has no access to the “true facts” of the
18 case, beyond the information within its own possession. Importantly, this Court
19 already warned Plaintiff of the potential for sanctions, including termination
20 sanctions, that may result from his “failure timely to comply fully” with the Court’s
21 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
22 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
23 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
24 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

25 **Opposing Party’s Position:** Plaintiff provided his response in a separate
26 document. *See* Matsushima Decl., ¶ 18, Ex. I.

27 **II. INTERROGATORY NO. 2**

28 **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that

1 YOU experienced Antisemitic rhetoric and harassment from YOUR roommate(s).

2 **Response:** Plaintiff provides this response based on either his current
3 recollection, memory, and information reasonably available, or its entirety.
4 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
5 allegation, as characterized by this interrogatory, but rather is factual. On the basis
6 of Plaintiff's previously stated emphasis aforementioned above, the claims in
7 Plaintiff's *Complaint* serve as the true integrity of the response to this interrogatory.

8 **Moving Party's Position:** A party may serve on any other party written
9 interrogatories that "may relate to any matter that may be inquired into under Rule
10 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the
11 party to whom they are directed," and the answering party must sign the responses.
12 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

13 In responding to discovery, an "evasive or incomplete disclosure, answer, or
14 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts
15 have "unambiguously" rejected as deficient the assertion that the requested
16 information is already in the propounding party's possession. *Nat'l Acad. of*
17 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
18 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
19 "answer an interrogatory by specifying records from which the answers may be
20 obtained and by making the records available for inspection," a "party that elects
21 to avail itself of this option . . . must '*specify where in the records the answers*
22 *[can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
23 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*
24 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
25 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

26 If a party "fails to obey an order to provide or permit discovery," the court
27 may "issue further just orders," including: prohibiting the disobedient party from
28 supporting or opposing designated claims or defenses, or from introducing

1 designated matters in evidence; striking pleadings in whole or in part; dismissing
2 the action or proceeding in whole or in part; or rendering a default judgment against
3 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
4 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
5 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
6 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
7 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
8 discovery violations make it impossible for a court to be confident that the parties
9 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
10 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
11 “‘carries the burden of demonstrating that the failure to comply with” disclosure
12 rules “is substantially justified or harmless.’” *Haas*, 679 F. Supp. 3d at 966
13 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

14 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
15 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
16 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
17 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
18 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
19 response to each and every interrogatory referring to his prior court filings, which is
20 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
21 repeated failures to serve compliant responses thwarts the very purpose of
22 discovery, which is “to remove surprise from trial preparation so the parties can
23 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
24 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

25 Plaintiff’s failure to meaningfully participate in the discovery process has
26 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
27 be tried on the merits because CSU currently has no access to the “true facts” of the
28 case, beyond the information within its own possession. Importantly, this Court

1 already warned Plaintiff of the potential for sanctions, including termination
2 sanctions, that may result from his “failure timely to comply fully” with the Court’s
3 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
4 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
5 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
6 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

7 **Opposing Party’s Position:** Plaintiff provided his response in a separate
8 document. *See* Matsushima Decl., ¶ 18, Ex. I.

9 **III. INTERROGATORY NO. 3**

10 **Interrogatory:** IDENTIFY all CSU faculty and staff who YOU allege
11 harassed, threatened, and/or discriminated against YOU based on YOUR race,
12 religion, and/or national origin.

13 **Response:** Plaintiff provides this response based on either his current
14 recollection, memory, and information reasonably available, or its entirety.
15 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
16 allegation, as characterized by this interrogatory, but rather is factual. On the basis
17 of Plaintiff’s previously stated emphasis aforementioned above, the entities in
18 Plaintiff’s *Complaint* serve as the true integrity of the response to this interrogatory.

19 **Moving Party’s Position:** A party may serve on any other party written
20 interrogatories that “may relate to any matter that may be inquired into under Rule
21 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
22 party to whom they are directed,” and the answering party must sign the responses.
23 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

24 In responding to discovery, an “evasive or incomplete disclosure, answer, or
25 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
26 have “unambiguously” rejected as deficient the assertion that the requested
27 information is already in the propounding party’s possession. *Nat’l Acad. of*
28 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.

1 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
2 ““answer an interrogatory by specifying records from which the answers may be
3 obtained and by making the records available for inspection,” a “party that elects
4 to avail itself of this option . . . must ‘*specify where in the records the answers*
5 *[can] be found.’” Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
6 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
7 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
8 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

9 If a party “fails to obey an order to provide or permit discovery,” the court
10 may “issue further just orders,” including: prohibiting the disobedient party from
11 supporting or opposing designated claims or defenses, or from introducing
12 designated matters in evidence; striking pleadings in whole or in part; dismissing
13 the action or proceeding in whole or in part; or rendering a default judgment against
14 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
15 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
16 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
17 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
18 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
19 discovery violations make it impossible for a court to be confident that the parties
20 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
21 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
22 ““carries the burden of demonstrating that the failure to comply with” disclosure
23 rules “is substantially justified or harmless.” *Haas*, 679 F. Supp. 3d at 966
24 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

25 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
26 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
27 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
28 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.

1 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
2 response to each and every interrogatory referring to his prior court filings, which is
3 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff's
4 repeated failures to serve compliant responses thwarts the very purpose of
5 discovery, which is "to remove surprise from trial preparation so the parties can
6 obtain evidence necessary to evaluate and resolve their dispute." *U.S. ex rel.*
7 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

8 Plaintiff's failure to meaningfully participate in the discovery process has
9 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot
10 be tried on the merits because CSU currently has no access to the "true facts" of the
11 case, beyond the information within its own possession. Importantly, this Court
12 already warned Plaintiff of the potential for sanctions, including termination
13 sanctions, that may result from his "failure timely to comply fully" with the Court's
14 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
15 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks
16 sanctions including attorney's fees and dismissal of this action or, in the alternative,
17 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

18 **Opposing Party's Position:** Plaintiff provided his response in a separate
19 document. *See* Matsushima Decl., ¶ 18, Ex. I.

20 **IV. INTERROGATORY NO. 4**

21 **Interrogatory:** If YOU contend that CSU retaliated against YOU due to
22 YOUR race, religion, or national origin, STATE ALL FACTS in support of YOUR
23 contention.

24 **Response:** Plaintiff provides this response based on either his current
25 recollection, memory, and information reasonably available, or its entirety.
26 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his
27 given information towards case number 2:24-cv-03791 as the true integrity of the
28 response to this interrogatory.

1 **Moving Party’s Position:** A party may serve on any other party written
2 interrogatories that “may relate to any matter that may be inquired into under Rule
3 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
4 party to whom they are directed,” and the answering party must sign the responses.
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6 In responding to discovery, an “evasive or incomplete disclosure, answer, or
7 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
8 have “unambiguously” rejected as deficient the assertion that the requested
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10 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
11 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
12 ““answer an interrogatory by specifying records from which the answers may be
13 obtained and by making the records available for inspection,”” a “party that elects
14 to avail itself of this option . . . must ‘*specify where in the records the answers*
15 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
16 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
17 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
18 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

19 If a party “fails to obey an order to provide or permit discovery,” the court
20 may “issue further just orders,” including: prohibiting the disobedient party from
21 supporting or opposing designated claims or defenses, or from introducing
22 designated matters in evidence; striking pleadings in whole or in part; dismissing
23 the action or proceeding in whole or in part; or rendering a default judgment against
24 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
25 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
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27 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
28 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s

1 discovery violations make it impossible for a court to be confident that the parties
2 will ever have access to the true facts.” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
3 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
4 ““carries the burden of demonstrating that the failure to comply with” disclosure
5 rules “is substantially justified or harmless.” *Haas*, 679 F. Supp. 3d at 966
6 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

7 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
8 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
9 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
10 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
11 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
12 response to each and every interrogatory referring to his prior court filings, which is
13 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
14 repeated failures to serve compliant responses thwarts the very purpose of
15 discovery, which is “to remove surprise from trial preparation so the parties can
16 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
17 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

18 Plaintiff’s failure to meaningfully participate in the discovery process has
19 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
20 be tried on the merits because CSU currently has no access to the “true facts” of the
21 case, beyond the information within its own possession. Importantly, this Court
22 already warned Plaintiff of the potential for sanctions, including termination
23 sanctions, that may result from his “failure timely to comply fully” with the Court’s
24 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
25 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
26 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
27 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

28 **Opposing Party’s Position:** Plaintiff provided his response in a separate

document. *See* Matsushima Decl., ¶ 18, Ex. I.

V. INTERROGATORY NO. 5

Interrogatory: IDENTIFY all CSU students who YOU allege harassed, threatened, or discriminated against YOU based on YOUR race, religion, and/or national origin.

Response: Plaintiff provides this response based on either his current recollection, memory, and information reasonably available, or its entirety. Plaintiff, a witness to the events, specifically emphasizes that his claims are not an allegation, as characterized by this interrogatory, but rather is factual. On the basis of Plaintiff's previously stated emphasis aforementioned above, Plaintiff specifically reaffirms to the entirety of all his given information towards case number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

Moving Party's Position: A party may serve on any other party written interrogatories that "may relate to any matter that may be inquired into under Rule 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the party to whom they are directed," and the answering party must sign the responses. *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

In responding to discovery, an "evasive or incomplete disclosure, answer, or response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts have "unambiguously" rejected as deficient the assertion that the requested information is already in the propounding party's possession. *Nat'l Acad. of Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D. Cal. 2009). Moreover, although Rule 33(d) permits the responding party to "answer an interrogatory by specifying records from which the answers may be obtained and by making the records available for inspection," a "party that elects to avail itself of this option . . . must '*specify where in the records the answers [can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313, 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*

1 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
2 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

3 If a party “fails to obey an order to provide or permit discovery,” the court
4 may “issue further just orders,” including: prohibiting the disobedient party from
5 supporting or opposing designated claims or defenses, or from introducing
6 designated matters in evidence; striking pleadings in whole or in part; dismissing
7 the action or proceeding in whole or in part; or rendering a default judgment against
8 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
9 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
10 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
11 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
12 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
13 discovery violations make it impossible for a court to be confident that the parties
14 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
15 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
16 ““carries the burden of demonstrating that the failure to comply with” disclosure
17 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966
18 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

19 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
20 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
21 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
22 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
23 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
24 response to each and every interrogatory referring to his prior court filings, which is
25 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
26 repeated failures to serve compliant responses thwarts the very purpose of
27 discovery, which is “to remove surprise from trial preparation so the parties can
28 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*

1 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

2 Plaintiff's failure to meaningfully participate in the discovery process has
3 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot
4 be tried on the merits because CSU currently has no access to the "true facts" of the
5 case, beyond the information within its own possession. Importantly, this Court
6 already warned Plaintiff of the potential for sanctions, including termination
7 sanctions, that may result from his "failure timely to comply fully" with the Court's
8 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
9 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks
10 sanctions including attorney's fees and dismissal of this action or, in the alternative,
11 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

12 **Opposing Party's Position:** Plaintiff provided his response in a separate
13 document. *See* Matsushima Decl., ¶ 18, Ex. I.

14 **VI. INTERROGATORY NO. 6**

15 **Interrogatory:** STATE ALL FACTS in support of YOUR assertion in
16 paragraph 38 of the COMPLAINT that YOU were worried RAMIREZ and the
17 Office of the Vice President for Student Affairs "might refuse to enforce the CSU's
18 policies, and retaliate back[.]"

19 **Response:** Plaintiff provides this response based on either his current
20 recollection, memory, and information reasonably available, or its entirety.
21 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
22 allegation, as characterized by this interrogatory, but rather is factual. On the basis
23 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff
24 specifically reaffirms that his *Complaint* serves as the true integrity of the response
25 to this interrogatory.

26 **Moving Party's Position:** A party may serve on any other party written
27 interrogatories that "may relate to any matter that may be inquired into under Rule
28 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the

1 party to whom they are directed,” and the answering party must sign the responses.
2 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

3 In responding to discovery, an “evasive or incomplete disclosure, answer, or
4 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
5 have “unambiguously” rejected as deficient the assertion that the requested
6 information is already in the propounding party’s possession. *Nat’l Acad. of*
7 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
8 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
9 ““answer an interrogatory by specifying records from which the answers may be
10 obtained and by making the records available for inspection,”” a “party that elects
11 to avail itself of this option . . . must ‘*specify where in the records the answers*
12 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
13 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
14 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
15 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

16 If a party “fails to obey an order to provide or permit discovery,” the court
17 may “issue further just orders,” including: prohibiting the disobedient party from
18 supporting or opposing designated claims or defenses, or from introducing
19 designated matters in evidence; striking pleadings in whole or in part; dismissing
20 the action or proceeding in whole or in part; or rendering a default judgment against
21 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
22 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
23 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
24 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
25 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
26 discovery violations make it impossible for a court to be confident that the parties
27 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
28 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions

1 ““carries the burden of demonstrating that the failure to comply with” disclosure
2 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966
3 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

4 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
5 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
6 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
7 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
8 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
9 response to each and every interrogatory referring to his prior court filings, which is
10 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
11 repeated failures to serve compliant responses thwarts the very purpose of
12 discovery, which is “to remove surprise from trial preparation so the parties can
13 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
14 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

15 Plaintiff’s failure to meaningfully participate in the discovery process has
16 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
17 be tried on the merits because CSU currently has no access to the “true facts” of the
18 case, beyond the information within its own possession. Importantly, this Court
19 already warned Plaintiff of the potential for sanctions, including termination
20 sanctions, that may result from his “failure timely to comply fully” with the Court’s
21 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
22 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
23 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
24 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

25 **Opposing Party’s Position:** Plaintiff provided his response in a separate
26 document. *See* Matsushima Decl., ¶ 18, Ex. I.

27 **VII. INTERROGATORY NO. 7**

28 **Interrogatory:** STATE ALL FACTS in support of YOUR contention that a

1 CSU student “wanted to physically harm” YOU, YOUR “Jewish religion and
2 community, and place of worship, which has children,” as referenced in paragraph
3 38 of the COMPLAINT.

4 **Response:** Plaintiff provides this response based on either his current
5 recollection, memory, and information reasonably available, or its entirety.
6 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his
7 given information towards case number 2:24-cv-03791 as the true integrity of the
8 response to this interrogatory.

9 **Moving Party’s Position:** A party may serve on any other party written
10 interrogatories that “may relate to any matter that may be inquired into under Rule
11 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
12 party to whom they are directed,” and the answering party must sign the responses.
13 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

14 In responding to discovery, an “evasive or incomplete disclosure, answer, or
15 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
16 have “unambiguously” rejected as deficient the assertion that the requested
17 information is already in the propounding party’s possession. *Nat’l Acad. of*
18 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
19 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
20 ““answer an interrogatory by specifying records from which the answers may be
21 obtained and by making the records available for inspection,”” a “party that elects
22 to avail itself of this option . . . must ‘*specify where in the records the answers*
23 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
24 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
25 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
26 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

27 If a party “fails to obey an order to provide or permit discovery,” the court
28 may “issue further just orders,” including: prohibiting the disobedient party from

1 supporting or opposing designated claims or defenses, or from introducing
2 designated matters in evidence; striking pleadings in whole or in part; dismissing
3 the action or proceeding in whole or in part; or rendering a default judgment against
4 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
5 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
6 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
7 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
8 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
9 discovery violations make it impossible for a court to be confident that the parties
10 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
11 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
12 “‘carries the burden of demonstrating that the failure to comply with” disclosure
13 rules “is substantially justified or harmless.’” *Haas*, 679 F. Supp. 3d at 966
14 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

15 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
16 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
17 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
18 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
19 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
20 response to each and every interrogatory referring to his prior court filings, which is
21 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
22 repeated failures to serve compliant responses thwarts the very purpose of
23 discovery, which is “to remove surprise from trial preparation so the parties can
24 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
25 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

26 Plaintiff’s failure to meaningfully participate in the discovery process has
27 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
28 be tried on the merits because CSU currently has no access to the “true facts” of the

1 case, beyond the information within its own possession. Importantly, this Court
2 already warned Plaintiff of the potential for sanctions, including termination
3 sanctions, that may result from his “failure timely to comply fully” with the Court’s
4 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
5 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
6 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
7 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

8 **Opposing Party’s Position:** Plaintiff provided his response in a separate
9 document. *See* Matsushima Decl., ¶ 18, Ex. I.

10 **VIII. INTERROGATORY NO. 8**

11 **Interrogatory:** STATE ALL FACTS in support of YOUR contention that
12 YOU received death threats from a CSU student.

13 **Response:** Plaintiff provides this response based on either his current
14 recollection, memory, and information reasonably available, or its entirety.
15 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his
16 given information towards case number 2:24-cv-03791 as the true integrity of the
17 response to this interrogatory.

18 **Moving Party’s Position:** A party may serve on any other party written
19 interrogatories that “may relate to any matter that may be inquired into under Rule
20 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
21 party to whom they are directed,” and the answering party must sign the responses.
22 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

23 In responding to discovery, an “evasive or incomplete disclosure, answer, or
24 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
25 have “unambiguously” rejected as deficient the assertion that the requested
26 information is already in the propounding party’s possession. *Nat’l Acad. of*
27 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
28 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to

1 ““answer an interrogatory by specifying records from which the answers may be
2 obtained and by making the records available for inspection,” a “party that elects
3 to avail itself of this option . . . must ‘*specify where in the records the answers*
4 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
5 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
6 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
7 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

8 If a party “fails to obey an order to provide or permit discovery,” the court
9 may “issue further just orders,” including: prohibiting the disobedient party from
10 supporting or opposing designated claims or defenses, or from introducing
11 designated matters in evidence; striking pleadings in whole or in part; dismissing
12 the action or proceeding in whole or in part; or rendering a default judgment against
13 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
14 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
15 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
16 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
17 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
18 discovery violations make it impossible for a court to be confident that the parties
19 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
20 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
21 ““carries the burden of demonstrating that the failure to comply with” disclosure
22 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966
23 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

24 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
25 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
26 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
27 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
28 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive

1 response to each and every interrogatory referring to his prior court filings, which is
2 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff's
3 repeated failures to serve compliant responses thwarts the very purpose of
4 discovery, which is "to remove surprise from trial preparation so the parties can
5 obtain evidence necessary to evaluate and resolve their dispute." *U.S. ex rel.*
6 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

7 Plaintiff's failure to meaningfully participate in the discovery process has
8 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot
9 be tried on the merits because CSU currently has no access to the "true facts" of the
10 case, beyond the information within its own possession. Importantly, this Court
11 already warned Plaintiff of the potential for sanctions, including termination
12 sanctions, that may result from his "failure timely to comply fully" with the Court's
13 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
14 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks
15 sanctions including attorney's fees and dismissal of this action or, in the alternative,
16 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

17 **Opposing Party's Position:** Plaintiff provided his response in a separate
18 document. *See* Matsushima Decl., ¶ 18, Ex. I.

19 **IX. INTERROGATORY NO. 9**

20 **Interrogatory:** If YOU allege that YOU were subjected to antisemitic
21 discrimination, harassment, or hate speech, STATE ALL FACTS in support of
22 YOUR contention, including a description of the action itself, contents of such
23 speech, the actor or speaker, and the time and location of the interaction.

24 **Response:** Plaintiff provides this response based on either his current
25 recollection, memory, and information reasonably available, or its entirety.
26 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
27 allegation, as characterized by this interrogatory, but rather is factual. On the basis
28 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff

1 specifically reaffirms to the entirety of all his given information towards case
2 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

3 **Moving Party's Position:** A party may serve on any other party written
4 interrogatories that "may relate to any matter that may be inquired into under Rule
5 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the
6 party to whom they are directed," and the answering party must sign the responses.
7 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

8 In responding to discovery, an "evasive or incomplete disclosure, answer, or
9 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts
10 have "unambiguously" rejected as deficient the assertion that the requested
11 information is already in the propounding party's possession. *Nat'l Acad. of*
12 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
13 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
14 "answer an interrogatory by specifying records from which the answers may be
15 obtained and by making the records available for inspection," a "party that elects
16 to avail itself of this option . . . must '*specify where in the records the answers*
17 *[can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
18 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*
19 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
20 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

21 If a party "fails to obey an order to provide or permit discovery," the court
22 may "issue further just orders," including: prohibiting the disobedient party from
23 supporting or opposing designated claims or defenses, or from introducing
24 designated matters in evidence; striking pleadings in whole or in part; dismissing
25 the action or proceeding in whole or in part; or rendering a default judgment against
26 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while "very
27 severe," is justified based upon a showing of "willfulness, bad faith, and fault."
28 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider

1 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
2 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
3 discovery violations make it impossible for a court to be confident that the parties
4 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
5 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
6 “‘carries the burden of demonstrating that the failure to comply with” disclosure
7 rules “is substantially justified or harmless.’” *Haas*, 679 F. Supp. 3d at 966
8 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

9 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
10 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
11 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
12 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
13 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
14 response to each and every interrogatory referring to his prior court filings, which is
15 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
16 repeated failures to serve compliant responses thwarts the very purpose of
17 discovery, which is “to remove surprise from trial preparation so the parties can
18 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
19 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

20 Plaintiff’s failure to meaningfully participate in the discovery process has
21 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
22 be tried on the merits because CSU currently has no access to the “true facts” of the
23 case, beyond the information within its own possession. Importantly, this Court
24 already warned Plaintiff of the potential for sanctions, including termination
25 sanctions, that may result from his “failure timely to comply fully” with the Court’s
26 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
27 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
28 sanctions including attorney’s fees and dismissal of this action or, in the alternative,

1 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

2 **Opposing Party's Position:** Plaintiff provided his response in a separate
3 document. *See* Matsushima Decl., ¶ 18, Ex. I.

4 **X. INTERROGATORY NO. 10**

5 **Interrogatory:** STATE ALL FACTS in support of YOUR contention that
6 YOU were "scared to go into campus at night due to the fear of being harmed," as
7 alleged in paragraph 47 of the COMPLAINT.

8 **Response:** Plaintiff provides this response based on either his current
9 recollection, memory, and information reasonably available, or its entirety.
10 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
11 allegation, as characterized by this interrogatory, but rather is factual. On the basis
12 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff
13 specifically reaffirms to the entirety of all his given information towards case
14 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

15 **Moving Party's Position:** A party may serve on any other party written
16 interrogatories that "may relate to any matter that may be inquired into under Rule
17 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the
18 party to whom they are directed," and the answering party must sign the responses.
19 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

20 In responding to discovery, an "evasive or incomplete disclosure, answer, or
21 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts
22 have "unambiguously" rejected as deficient the assertion that the requested
23 information is already in the propounding party's possession. *Nat'l Acad. of*
24 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
25 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
26 "answer an interrogatory by specifying records from which the answers may be
27 obtained and by making the records available for inspection," a "party that elects
28 to avail itself of this option . . . must 'specify where in the records the answers

1 [can] be found.” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
2 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
3 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
4 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

5 If a party “fails to obey an order to provide or permit discovery,” the court
6 may “issue further just orders,” including: prohibiting the disobedient party from
7 supporting or opposing designated claims or defenses, or from introducing
8 designated matters in evidence; striking pleadings in whole or in part; dismissing
9 the action or proceeding in whole or in part; or rendering a default judgment against
10 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
11 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
12 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
13 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
14 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
15 discovery violations make it impossible for a court to be confident that the parties
16 will ever have access to the true facts.” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
17 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
18 ““carries the burden of demonstrating that the failure to comply with” disclosure
19 rules “is substantially justified or harmless.” *Haas*, 679 F. Supp. 3d at 966
20 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

21 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
22 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
23 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
24 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
25 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
26 response to each and every interrogatory referring to his prior court filings, which is
27 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
28 repeated failures to serve compliant responses thwarts the very purpose of

1 discovery, which is “to remove surprise from trial preparation so the parties can
2 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
3 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

4 Plaintiff’s failure to meaningfully participate in the discovery process has
5 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
6 be tried on the merits because CSU currently has no access to the “true facts” of the
7 case, beyond the information within its own possession. Importantly, this Court
8 already warned Plaintiff of the potential for sanctions, including termination
9 sanctions, that may result from his “failure timely to comply fully” with the Court’s
10 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
11 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
12 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
13 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

14 **Opposing Party’s Position:** Plaintiff provided his response in a separate
15 document. *See* Matsushima Decl., ¶ 18, Ex. I.

16 **XI. INTERROGATORY NO. 11**

17 **Interrogatory:** STATE ALL FACTS in support of YOUR allegations that
18 CSU prevented YOU from filing complaints and/or reports regarding antisemitic
19 harassment and discrimination.

20 **Response:** Plaintiff provides this response based on either his current
21 recollection, memory, and information reasonably available, or its entirety.
22 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
23 allegation, as characterized by this interrogatory, but rather is factual. On the basis
24 of Plaintiff’s previously stated emphasis aforementioned above, Plaintiff
25 specifically reaffirms that his *Complaint* serves as the true integrity of the response
26 to this interrogatory.

27 **Moving Party’s Position:** A party may serve on any other party written
28 interrogatories that “may relate to any matter that may be inquired into under Rule

1 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
2 party to whom they are directed,” and the answering party must sign the responses.
3 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

4 In responding to discovery, an “evasive or incomplete disclosure, answer, or
5 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
6 have “unambiguously” rejected as deficient the assertion that the requested
7 information is already in the propounding party’s possession. *Nat’l Acad. of*
8 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
9 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
10 ““answer an interrogatory by specifying records from which the answers may be
11 obtained and by making the records available for inspection,”” a “party that elects
12 to avail itself of this option . . . must ‘*specify where in the records the answers*
13 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
14 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
15 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
16 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

17 If a party “fails to obey an order to provide or permit discovery,” the court
18 may “issue further just orders,” including: prohibiting the disobedient party from
19 supporting or opposing designated claims or defenses, or from introducing
20 designated matters in evidence; striking pleadings in whole or in part; dismissing
21 the action or proceeding in whole or in part; or rendering a default judgment against
22 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
23 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
24 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
25 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
26 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
27 discovery violations make it impossible for a court to be confident that the parties
28 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at

1 1097 (quoting *Valley Eng'rs*, 158 F.3d at 1058. The party facing the sanctions
2 ““carries the burden of demonstrating that the failure to comply with” disclosure
3 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966
4 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

5 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
6 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
7 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
8 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
9 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
10 response to each and every interrogatory referring to his prior court filings, which is
11 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
12 repeated failures to serve compliant responses thwarts the very purpose of
13 discovery, which is “to remove surprise from trial preparation so the parties can
14 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
15 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

16 Plaintiff’s failure to meaningfully participate in the discovery process has
17 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
18 be tried on the merits because CSU currently has no access to the “true facts” of the
19 case, beyond the information within its own possession. Importantly, this Court
20 already warned Plaintiff of the potential for sanctions, including termination
21 sanctions, that may result from his “failure timely to comply fully” with the Court’s
22 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
23 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
24 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
25 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

26 **Opposing Party’s Position:** Plaintiff provided his response in a separate
27 document. *See* Matsushima Decl., ¶ 18, Ex. I.
28

XII. INTERROGATORY NO. 12

Interrogatory: STATE ALL FACTS in support of YOUR allegation that YOUR kippah and tefillin were stolen, as alleged in paragraph 50 of the COMPLAINT.

Response: Plaintiff provides this response based on either his current recollection, memory, and information reasonably available, or its entirety. Plaintiff, a witness to the events, specifically emphasizes that his claims are not an allegation, as characterized by this interrogatory, but rather is factual. On the basis of Plaintiff's previously stated emphasis aforementioned above, Plaintiff specifically reaffirms that his *Complaint* serves as the true integrity of the response to this interrogatory.

Moving Party's Position: A party may serve on any other party written interrogatories that "may relate to any matter that may be inquired into under Rule 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the party to whom they are directed," and the answering party must sign the responses. *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

In responding to discovery, an "evasive or incomplete disclosure, answer, or response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts have "unambiguously" rejected as deficient the assertion that the requested information is already in the propounding party's possession. *Nat'l Acad. of Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D. Cal. 2009). Moreover, although Rule 33(d) permits the responding party to "answer an interrogatory by specifying records from which the answers may be obtained and by making the records available for inspection," a "party that elects to avail itself of this option . . . must '*specify where in the records the answers [can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313, 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); see also *Walt Disney*

1 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

2 If a party “fails to obey an order to provide or permit discovery,” the court
3 may “issue further just orders,” including: prohibiting the disobedient party from
4 supporting or opposing designated claims or defenses, or from introducing
5 designated matters in evidence; striking pleadings in whole or in part; dismissing
6 the action or proceeding in whole or in part; or rendering a default judgment against
7 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
8 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
9 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
10 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
11 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
12 discovery violations make it impossible for a court to be confident that the parties
13 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
14 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
15 “‘carries the burden of demonstrating that the failure to comply with” disclosure
16 rules “is substantially justified or harmless.’” *Haas*, 679 F. Supp. 3d at 966
17 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

18 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
19 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
20 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
21 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
22 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
23 response to each and every interrogatory referring to his prior court filings, which is
24 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
25 repeated failures to serve compliant responses thwarts the very purpose of
26 discovery, which is “to remove surprise from trial preparation so the parties can
27 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
28 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

1 Plaintiff's failure to meaningfully participate in the discovery process has
2 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot
3 be tried on the merits because CSU currently has no access to the "true facts" of the
4 case, beyond the information within its own possession. Importantly, this Court
5 already warned Plaintiff of the potential for sanctions, including termination
6 sanctions, that may result from his "failure timely to comply fully" with the Court's
7 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
8 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks
9 sanctions including attorney's fees and dismissal of this action or, in the alternative,
10 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

11 **Opposing Party's Position:** Plaintiff provided his response in a separate
12 document. *See* Matsushima Decl., ¶ 18, Ex. I.

13 **XIII. INTERROGATORY NO. 13**

14 **Interrogatory:** STATE ALL FACTS in support of YOUR contention that
15 CSUN "allow[ed] Antisemitism," as stated in paragraph 55 of the COMPLAINT.

16 **Response:** Plaintiff provides this response based on either his current
17 recollection, memory, and information reasonably available, or its entirety.
18 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his
19 given information towards case number 2:24-cv-03791 as the true integrity of the
20 response to this interrogatory.

21 **Moving Party's Position:** A party may serve on any other party written
22 interrogatories that "may relate to any matter that may be inquired into under Rule
23 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the
24 party to whom they are directed," and the answering party must sign the responses.
25 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

26 In responding to discovery, an "evasive or incomplete disclosure, answer, or
27 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts
28 have "unambiguously" rejected as deficient the assertion that the requested

1 information is already in the propounding party's possession. *Nat'l Acad. of*
2 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
3 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
4 "answer an interrogatory by specifying records from which the answers may be
5 obtained and by making the records available for inspection," a "party that elects
6 to avail itself of this option . . . must '*specify where in the records the answers*
7 *[can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
8 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*
9 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); see also *Walt Disney*
10 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

11 If a party "fails to obey an order to provide or permit discovery," the court
12 may "issue further just orders," including: prohibiting the disobedient party from
13 supporting or opposing designated claims or defenses, or from introducing
14 designated matters in evidence; striking pleadings in whole or in part; dismissing
15 the action or proceeding in whole or in part; or rendering a default judgment against
16 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while "very
17 severe," is justified based upon a showing of "willfulness, bad faith, and fault."
18 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
19 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). "The most
20 critical factor to be considered in case-dispositive sanctions is whether 'a party's
21 discovery violations make it impossible for a court to be confident that the parties
22 will ever have access to the true facts.'" *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
23 1097 (quoting *Valley Eng'rs*, 158 F.3d at 1058. The party facing the sanctions
24 "carries the burden of demonstrating that the failure to comply with" disclosure
25 rules "is substantially justified or harmless." *Haas*, 679 F. Supp. 3d at 966
26 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

27 Here, the Magistrate Judge previously found that CSU's interrogatories consist
28 of nonprivileged matters that are relevant to a party's claim or defense, pursuant to

1 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
2 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
3 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
4 response to each and every interrogatory referring to his prior court filings, which is
5 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
6 repeated failures to serve compliant responses thwarts the very purpose of
7 discovery, which is “to remove surprise from trial preparation so the parties can
8 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
9 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

10 Plaintiff’s failure to meaningfully participate in the discovery process has
11 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
12 be tried on the merits because CSU currently has no access to the “true facts” of the
13 case, beyond the information within its own possession. Importantly, this Court
14 already warned Plaintiff of the potential for sanctions, including termination
15 sanctions, that may result from his “failure timely to comply fully” with the Court’s
16 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
17 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
18 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
19 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

20 **Opposing Party’s Position:** Plaintiff provided his response in a separate
21 document. *See* Matsushima Decl., ¶ 18, Ex. I.

22 **XIV. INTERROGATORY NO. 14**

23 **Interrogatory:** STATE ALL FACTS RELATING TO the “Antisemitic
24 attacks towards Jewish people” referenced in paragraph 57 of the COMPLAINT.

25 **Response:** Plaintiff provides this response based on either his current
26 recollection, memory, and information reasonably available, or its entirety.
27 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his
28 given information towards case number 2:24-cv-03791 as the true integrity of the

1 response to this interrogatory.

2 **Moving Party's Position:** A party may serve on any other party written
3 interrogatories that “may relate to any matter that may be inquired into under Rule
4 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
5 party to whom they are directed,” and the answering party must sign the responses.
6 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

7 In responding to discovery, an “evasive or incomplete disclosure, answer, or
8 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
9 have “unambiguously” rejected as deficient the assertion that the requested
10 information is already in the propounding party’s possession. *Nat’l Acad. of*
11 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
12 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
13 ““answer an interrogatory by specifying records from which the answers may be
14 obtained and by making the records available for inspection,”” a “party that elects
15 to avail itself of this option . . . must ‘*specify where in the records the answers*
16 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
17 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*
18 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
19 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

20 If a party “fails to obey an order to provide or permit discovery,” the court
21 may “issue further just orders,” including: prohibiting the disobedient party from
22 supporting or opposing designated claims or defenses, or from introducing
23 designated matters in evidence; striking pleadings in whole or in part; dismissing
24 the action or proceeding in whole or in part; or rendering a default judgment against
25 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
26 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
27 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
28 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most

critical factor to be considered in case-dispositive sanctions is whether ‘a party’s discovery violations make it impossible for a court to be confident that the parties will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions ““carries the burden of demonstrating that the failure to comply with” disclosure rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

Here, the Magistrate Judge previously found that CSU’s interrogatories consist of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A. Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive response to each and every interrogatory referring to his prior court filings, which is tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s repeated failures to serve compliant responses thwarts the very purpose of discovery, which is “to remove surprise from trial preparation so the parties can obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel. Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

Plaintiff’s failure to meaningfully participate in the discovery process has prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot be tried on the merits because CSU currently has no access to the “true facts” of the case, beyond the information within its own possession. Importantly, this Court already warned Plaintiff of the potential for sanctions, including termination sanctions, that may result from his “failure timely to comply fully” with the Court’s Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks sanctions including attorney’s fees and dismissal of this action or, in the alternative, an order excluding Plaintiff’s evidence at

1 **Opposing Party’s Position:** Plaintiff provided his response in a separate
2 document. *See* Matsushima Decl., ¶ 18, Ex. I.

3 **XV. INTERROGATORY NO. 15**

4 **Interrogatory:** STATE ALL FACTS RELATING TO YOUR meeting with
5 WATKINS, as referenced in paragraph 60 of the COMPLAINT.

6 **Response:** Plaintiff provides this response based on either his current
7 recollection, memory, and information reasonably available, or its entirety.
8 Plaintiff, a witness to the events, specifically reaffirms that his *Complaint* serves as
9 the true integrity of the response to this interrogatory.

10 **Moving Party’s Position:** A party may serve on any other party written
11 interrogatories that “may relate to any matter that may be inquired into under Rule
12 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
13 party to whom they are directed,” and the answering party must sign the responses.
14 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

15 In responding to discovery, an “evasive or incomplete disclosure, answer, or
16 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
17 have “unambiguously” rejected as deficient the assertion that the requested
18 information is already in the propounding party’s possession. *Nat’l Acad. of*
19 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
20 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
21 ““answer an interrogatory by specifying records from which the answers may be
22 obtained and by making the records available for inspection,”” a “party that elects
23 to avail itself of this option . . . must ‘*specify where in the records the answers*
24 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
25 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
26 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
27 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

28 If a party “fails to obey an order to provide or permit discovery,” the court

1 may “issue further just orders,” including: prohibiting the disobedient party from
2 supporting or opposing designated claims or defenses, or from introducing
3 designated matters in evidence; striking pleadings in whole or in part; dismissing
4 the action or proceeding in whole or in part; or rendering a default judgment against
5 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
6 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
7 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
8 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
9 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
10 discovery violations make it impossible for a court to be confident that the parties
11 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
12 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
13 “‘carries the burden of demonstrating that the failure to comply with” disclosure
14 rules “is substantially justified or harmless.’” *Haas*, 679 F. Supp. 3d at 966
15 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

16 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
17 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
18 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
19 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
20 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
21 response to each and every interrogatory referring to his prior court filings, which is
22 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
23 repeated failures to serve compliant responses thwarts the very purpose of
24 discovery, which is “to remove surprise from trial preparation so the parties can
25 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
26 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

27 Plaintiff’s failure to meaningfully participate in the discovery process has
28 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot

1 be tried on the merits because CSU currently has no access to the “true facts” of the
2 case, beyond the information within its own possession. Importantly, this Court
3 already warned Plaintiff of the potential for sanctions, including termination
4 sanctions, that may result from his “failure timely to comply fully” with the Court’s
5 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
6 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
7 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
8 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

9 **Opposing Party’s Position:** Plaintiff provided his response in a separate
10 document. *See* Matsushima Decl., ¶ 18, Ex. I.

11 **XVI. INTERROGATORY NO. 16**

12 **Interrogatory:** STATE ALL FACTS RELATING TO YOUR discussion(s)
13 with Jodi Johnson, as referenced in paragraph 62 of the COMPLAINT.

14 **Response:** Plaintiff provides this response based on either his current
15 recollection, memory, and information reasonably available, or its entirety.
16 Plaintiff, a witness to the events, specifically reaffirms that his *Complaint* serves as
17 the true integrity of the response to this interrogatory.

18 **Moving Party’s Position:** A party may serve on any other party written
19 interrogatories that “may relate to any matter that may be inquired into under Rule
20 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
21 party to whom they are directed,” and the answering party must sign the responses.
22 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

23 In responding to discovery, an “evasive or incomplete disclosure, answer, or
24 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
25 have “unambiguously” rejected as deficient the assertion that the requested
26 information is already in the propounding party’s possession. *Nat’l Acad. of*
27 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
28 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to

1 ““answer an interrogatory by specifying records from which the answers may be
2 obtained and by making the records available for inspection,” a “party that elects
3 to avail itself of this option . . . must ‘*specify where in the records the answers*
4 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
5 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
6 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
7 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

8 If a party “fails to obey an order to provide or permit discovery,” the court
9 may “issue further just orders,” including: prohibiting the disobedient party from
10 supporting or opposing designated claims or defenses, or from introducing
11 designated matters in evidence; striking pleadings in whole or in part; dismissing
12 the action or proceeding in whole or in part; or rendering a default judgment against
13 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
14 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
15 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
16 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
17 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
18 discovery violations make it impossible for a court to be confident that the parties
19 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
20 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
21 ““carries the burden of demonstrating that the failure to comply with” disclosure
22 rules “is substantially justified or harmless.” *Haas*, 679 F. Supp. 3d at 966
23 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

24 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
25 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
26 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
27 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
28 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive

1 response to each and every interrogatory referring to his prior court filings, which is
2 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff's
3 repeated failures to serve compliant responses thwarts the very purpose of
4 discovery, which is "to remove surprise from trial preparation so the parties can
5 obtain evidence necessary to evaluate and resolve their dispute." *U.S. ex rel.*
6 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

7 Plaintiff's failure to meaningfully participate in the discovery process has
8 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot
9 be tried on the merits because CSU currently has no access to the "true facts" of the
10 case, beyond the information within its own possession. Importantly, this Court
11 already warned Plaintiff of the potential for sanctions, including termination
12 sanctions, that may result from his "failure timely to comply fully" with the Court's
13 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
14 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks
15 sanctions including attorney's fees and dismissal of this action or, in the alternative,
16 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

17 **Opposing Party's Position:** Plaintiff provided his response in a separate
18 document. *See* Matsushima Decl., ¶ 18, Ex. I.

19 **XVII. INTERROGATORY NO. 17**

20 **Interrogatory:** STATE ALL FACTS RELATING TO YOUR interaction
21 with Marilyn Mendoza, as referenced in paragraph 65 of the COMPLAINT.

22 **Response:** Plaintiff provides this response based on either his current
23 recollection, memory, and information reasonably available, or its entirety.
24 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his
25 given information towards case number 2:24-cv-03791 as the true integrity of the
26 response to this interrogatory.

27 **Moving Party's Position:** A party may serve on any other party written
28 interrogatories that "may relate to any matter that may be inquired into under Rule

1 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
2 party to whom they are directed,” and the answering party must sign the responses.
3 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

4 In responding to discovery, an “evasive or incomplete disclosure, answer, or
5 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
6 have “unambiguously” rejected as deficient the assertion that the requested
7 information is already in the propounding party’s possession. *Nat’l Acad. of*
8 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
9 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
10 ““answer an interrogatory by specifying records from which the answers may be
11 obtained and by making the records available for inspection,”” a “party that elects
12 to avail itself of this option . . . must ‘*specify where in the records the answers*
13 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
14 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
15 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
16 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

17 If a party “fails to obey an order to provide or permit discovery,” the court
18 may “issue further just orders,” including: prohibiting the disobedient party from
19 supporting or opposing designated claims or defenses, or from introducing
20 designated matters in evidence; striking pleadings in whole or in part; dismissing
21 the action or proceeding in whole or in part; or rendering a default judgment against
22 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
23 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
24 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
25 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
26 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
27 discovery violations make it impossible for a court to be confident that the parties
28 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at

1 1097 (quoting *Valley Eng'rs*, 158 F.3d at 1058. The party facing the sanctions
2 ““carries the burden of demonstrating that the failure to comply with” disclosure
3 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966
4 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

5 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
6 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
7 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
8 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
9 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
10 response to each and every interrogatory referring to his prior court filings, which is
11 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
12 repeated failures to serve compliant responses thwarts the very purpose of
13 discovery, which is “to remove surprise from trial preparation so the parties can
14 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
15 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

16 Plaintiff’s failure to meaningfully participate in the discovery process has
17 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
18 be tried on the merits because CSU currently has no access to the “true facts” of the
19 case, beyond the information within its own possession. Importantly, this Court
20 already warned Plaintiff of the potential for sanctions, including termination
21 sanctions, that may result from his “failure timely to comply fully” with the Court’s
22 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
23 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
24 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
25 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

26 **Opposing Party’s Position:** Plaintiff provided his response in a separate
27 document. *See* Matsushima Decl., ¶ 18, Ex. I.
28

XVIII. INTERROGATORY NO. 18

Interrogatory: STATE ALL FACTS RELATING TO YOUR interaction with Executive Assistant Robin Ferguson, as referenced in paragraph 66 of the COMPLAINT.

Response: Plaintiff provides this response based on either his current recollection, memory, and information reasonably available, or its entirety. Plaintiff, a witness to the events, specifically reaffirms that his *Complaint* serves as the true integrity of the response to this interrogatory.

Moving Party's Position: A party may serve on any other party written interrogatories that “may relate to any matter that may be inquired into under Rule 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the party to whom they are directed,” and the answering party must sign the responses. *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

In responding to discovery, an “evasive or incomplete disclosure, answer, or response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts have “unambiguously” rejected as deficient the assertion that the requested information is already in the propounding party’s possession. *Nat’l Acad. of Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D. Cal. 2009). Moreover, although Rule 33(d) permits the responding party to ““answer an interrogatory by specifying records from which the answers may be obtained and by making the records available for inspection,”” a “party that elects to avail itself of this option . . . must ‘*specify where in the records the answers [can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313, 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

If a party “fails to obey an order to provide or permit discovery,” the court may “issue further just orders,” including: prohibiting the disobedient party from

1 supporting or opposing designated claims or defenses, or from introducing
2 designated matters in evidence; striking pleadings in whole or in part; dismissing
3 the action or proceeding in whole or in part; or rendering a default judgment against
4 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
5 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
6 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
7 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
8 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
9 discovery violations make it impossible for a court to be confident that the parties
10 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
11 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
12 “‘carries the burden of demonstrating that the failure to comply with” disclosure
13 rules “is substantially justified or harmless.’” *Haas*, 679 F. Supp. 3d at 966
14 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

15 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
16 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
17 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
18 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
19 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
20 response to each and every interrogatory referring to his prior court filings, which is
21 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
22 repeated failures to serve compliant responses thwarts the very purpose of
23 discovery, which is “to remove surprise from trial preparation so the parties can
24 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
25 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

26 Plaintiff’s failure to meaningfully participate in the discovery process has
27 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
28 be tried on the merits because CSU currently has no access to the “true facts” of the

1 case, beyond the information within its own possession. Importantly, this Court
2 already warned Plaintiff of the potential for sanctions, including termination
3 sanctions, that may result from his “failure timely to comply fully” with the Court’s
4 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
5 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
6 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
7 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

8 **Opposing Party’s Position:** Plaintiff provided his response in a separate
9 document. *See* Matsushima Decl., ¶ 18, Ex. I.

10 **XIX. INTERROGATORY NO. 19**

11 **Interrogatory:** STATE ALL FACTS RELATING TO YOUR contention that
12 CSU chose “not to accommodate Plaintiff for his fears, worries, and stress from the
13 members of the University,” as alleged in paragraph 74 of the COMPLAINT.

14 **Response:** Plaintiff provides this response based on either his current
15 recollection, memory, and information reasonably available, or its entirety.
16 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
17 allegation, as characterized by this interrogatory, but rather is factual. On the basis
18 of Plaintiff’s previously stated emphasis aforementioned above, Plaintiff
19 specifically reaffirms to the entirety of all his given information towards case
20 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

21 **Moving Party’s Position:** A party may serve on any other party written
22 interrogatories that “may relate to any matter that may be inquired into under Rule
23 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
24 party to whom they are directed,” and the answering party must sign the responses.
25 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

26 In responding to discovery, an “evasive or incomplete disclosure, answer, or
27 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
28 have “unambiguously” rejected as deficient the assertion that the requested

1 information is already in the propounding party's possession. *Nat'l Acad. of*
2 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
3 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
4 "answer an interrogatory by specifying records from which the answers may be
5 obtained and by making the records available for inspection," a "party that elects
6 to avail itself of this option . . . must '*specify where in the records the answers*
7 *[can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
8 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*
9 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); see also *Walt Disney*
10 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

11 If a party "fails to obey an order to provide or permit discovery," the court
12 may "issue further just orders," including: prohibiting the disobedient party from
13 supporting or opposing designated claims or defenses, or from introducing
14 designated matters in evidence; striking pleadings in whole or in part; dismissing
15 the action or proceeding in whole or in part; or rendering a default judgment against
16 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while "very
17 severe," is justified based upon a showing of "willfulness, bad faith, and fault."
18 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
19 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). "The most
20 critical factor to be considered in case-dispositive sanctions is whether 'a party's
21 discovery violations make it impossible for a court to be confident that the parties
22 will ever have access to the true facts.'" *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
23 1097 (quoting *Valley Eng'rs*, 158 F.3d at 1058. The party facing the sanctions
24 "carries the burden of demonstrating that the failure to comply with" disclosure
25 rules "is substantially justified or harmless." *Haas*, 679 F. Supp. 3d at 966
26 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

27 Here, the Magistrate Judge previously found that CSU's interrogatories consist
28 of nonprivileged matters that are relevant to a party's claim or defense, pursuant to

1 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
2 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
3 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
4 response to each and every interrogatory referring to his prior court filings, which is
5 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
6 repeated failures to serve compliant responses thwarts the very purpose of
7 discovery, which is “to remove surprise from trial preparation so the parties can
8 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
9 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

10 Plaintiff’s failure to meaningfully participate in the discovery process has
11 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
12 be tried on the merits because CSU currently has no access to the “true facts” of the
13 case, beyond the information within its own possession. Importantly, this Court
14 already warned Plaintiff of the potential for sanctions, including termination
15 sanctions, that may result from his “failure timely to comply fully” with the Court’s
16 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
17 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
18 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
19 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

20 **Opposing Party’s Position:** Plaintiff provided his response in a separate
21 document. *See* Matsushima Decl., ¶ 18, Ex. I.

22 **XX. INTERROGATORY NO. 20**

23 **Interrogatory:** STATE ALL FACTS in support of YOUR contention that
24 CSU’s actions or inactions negatively impacted YOUR participation and experience
25 in the MBA program, as alleged in paragraph 74 of the COMPLAINT.

26 **Response:** Plaintiff provides this response based on either his current
27 recollection, memory, and information reasonably available, or its entirety.
28 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an

1 allegation, as characterized by this interrogatory, but rather is factual. On the basis
2 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff
3 specifically reaffirms to the entirety of all his given information towards case
4 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

5 **Moving Party's Position:** A party may serve on any other party written
6 interrogatories that "may relate to any matter that may be inquired into under Rule
7 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the
8 party to whom they are directed," and the answering party must sign the responses.
9 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

10 In responding to discovery, an "evasive or incomplete disclosure, answer, or
11 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts
12 have "unambiguously" rejected as deficient the assertion that the requested
13 information is already in the propounding party's possession. *Nat'l Acad. of*
14 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
15 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
16 "answer an interrogatory by specifying records from which the answers may be
17 obtained and by making the records available for inspection," a "party that elects
18 to avail itself of this option . . . must '*specify where in the records the answers*
19 *[can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
20 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*
21 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
22 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

23 If a party "fails to obey an order to provide or permit discovery," the court
24 may "issue further just orders," including: prohibiting the disobedient party from
25 supporting or opposing designated claims or defenses, or from introducing
26 designated matters in evidence; striking pleadings in whole or in part; dismissing
27 the action or proceeding in whole or in part; or rendering a default judgment against
28 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while "very

1 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
2 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
3 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
4 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
5 discovery violations make it impossible for a court to be confident that the parties
6 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
7 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
8 ““carries the burden of demonstrating that the failure to comply with” disclosure
9 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966
10 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

11 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
12 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
13 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
14 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
15 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
16 response to each and every interrogatory referring to his prior court filings, which is
17 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
18 repeated failures to serve compliant responses thwarts the very purpose of
19 discovery, which is “to remove surprise from trial preparation so the parties can
20 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
21 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

22 Plaintiff’s failure to meaningfully participate in the discovery process has
23 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
24 be tried on the merits because CSU currently has no access to the “true facts” of the
25 case, beyond the information within its own possession. Importantly, this Court
26 already warned Plaintiff of the potential for sanctions, including termination
27 sanctions, that may result from his “failure timely to comply fully” with the Court’s
28 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to

1 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks
2 sanctions including attorney's fees and dismissal of this action or, in the alternative,
3 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

4 **Opposing Party's Position:** Plaintiff provided his response in a separate
5 document. *See* Matsushima Decl., ¶ 18, Ex. I.

6 **XXI. INTERROGATORY NO. 21**

7 **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that
8 Professor Thomas Wedel utilized inappropriate examples of YOUR "situation" in
9 the Systems and Operations Management course, as alleged in paragraphs 75 and
10 76 of the COMPLAINT.

11 **Response:** Plaintiff provides this response based on either his current
12 recollection, memory, and information reasonably available, or its entirety.
13 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
14 allegation, as characterized by this interrogatory, but rather is factual. On the basis
15 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff
16 specifically reaffirms to the entirety of all his given information towards case
17 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

18 **Moving Party's Position:** A party may serve on any other party written
19 interrogatories that "may relate to any matter that may be inquired into under Rule
20 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the
21 party to whom they are directed," and the answering party must sign the responses.
22 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

23 In responding to discovery, an "evasive or incomplete disclosure, answer, or
24 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts
25 have "unambiguously" rejected as deficient the assertion that the requested
26 information is already in the propounding party's possession. *Nat'l Acad. of*
27 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
28 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to

1 ““answer an interrogatory by specifying records from which the answers may be
2 obtained and by making the records available for inspection,” a “party that elects
3 to avail itself of this option . . . must ‘*specify where in the records the answers*
4 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
5 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
6 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
7 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

8 If a party “fails to obey an order to provide or permit discovery,” the court
9 may “issue further just orders,” including: prohibiting the disobedient party from
10 supporting or opposing designated claims or defenses, or from introducing
11 designated matters in evidence; striking pleadings in whole or in part; dismissing
12 the action or proceeding in whole or in part; or rendering a default judgment against
13 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
14 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
15 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
16 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
17 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
18 discovery violations make it impossible for a court to be confident that the parties
19 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
20 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
21 ““carries the burden of demonstrating that the failure to comply with” disclosure
22 rules “is substantially justified or harmless.” *Haas*, 679 F. Supp. 3d at 966
23 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

24 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
25 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
26 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
27 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
28 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive

1 response to each and every interrogatory referring to his prior court filings, which is
2 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff's
3 repeated failures to serve compliant responses thwarts the very purpose of
4 discovery, which is "to remove surprise from trial preparation so the parties can
5 obtain evidence necessary to evaluate and resolve their dispute." *U.S. ex rel.*
6 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

7 Plaintiff's failure to meaningfully participate in the discovery process has
8 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot
9 be tried on the merits because CSU currently has no access to the "true facts" of the
10 case, beyond the information within its own possession. Importantly, this Court
11 already warned Plaintiff of the potential for sanctions, including termination
12 sanctions, that may result from his "failure timely to comply fully" with the Court's
13 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
14 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks
15 sanctions including attorney's fees and dismissal of this action or, in the alternative,
16 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

17 **Opposing Party's Position:** Plaintiff provided his response in a separate
18 document. *See* Matsushima Decl., ¶ 18, Ex. I.

19 **XXII. INTERROGATORY NO. 22**

20 **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that
21 CSU engaged in "retaliatory and discriminatory conduct against [YOU] for
22 reporting students who were cheating, reporting their faculties misconduct,
23 participating in religious activities, rightfully protesting against Antisemitism, and
24 for reporting a faculty member to the [United States Department of Education
25 Office of Civil Rights], by harassing, threatening, disciplining, and punishing
26 [YOU] through charges of violation, suspension, and probation in an attempt to
27 prevent [YOU] from ever engaging in the participation of [YOUR] protected
28 activities," as alleged in paragraph 90 of the COMPLAINT.

1 **Response:** Plaintiff provides this response based on either his current
2 recollection, memory, and information reasonably available, or its entirety.
3 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
4 allegation, as characterized by this interrogatory, but rather is factual. On the basis
5 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff
6 specifically reaffirms to the entirety of all his given information towards case
7 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

8 **Moving Party's Position:** A party may serve on any other party written
9 interrogatories that "may relate to any matter that may be inquired into under Rule
10 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the
11 party to whom they are directed," and the answering party must sign the responses.
12 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

13 In responding to discovery, an "evasive or incomplete disclosure, answer, or
14 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts
15 have "unambiguously" rejected as deficient the assertion that the requested
16 information is already in the propounding party's possession. *Nat'l Acad. of*
17 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
18 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
19 "answer an interrogatory by specifying records from which the answers may be
20 obtained and by making the records available for inspection," a "party that elects
21 to avail itself of this option . . . must '*specify where in the records the answers*
22 *[can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
23 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*
24 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
25 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

26 If a party "fails to obey an order to provide or permit discovery," the court
27 may "issue further just orders," including: prohibiting the disobedient party from
28 supporting or opposing designated claims or defenses, or from introducing

1 designated matters in evidence; striking pleadings in whole or in part; dismissing
2 the action or proceeding in whole or in part; or rendering a default judgment against
3 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
4 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
5 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
6 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
7 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
8 discovery violations make it impossible for a court to be confident that the parties
9 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
10 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
11 “‘carries the burden of demonstrating that the failure to comply with” disclosure
12 rules “is substantially justified or harmless.’” *Haas*, 679 F. Supp. 3d at 966
13 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

14 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
15 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
16 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
17 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
18 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
19 response to each and every interrogatory referring to his prior court filings, which is
20 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
21 repeated failures to serve compliant responses thwarts the very purpose of
22 discovery, which is “to remove surprise from trial preparation so the parties can
23 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
24 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

25 Plaintiff’s failure to meaningfully participate in the discovery process has
26 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
27 be tried on the merits because CSU currently has no access to the “true facts” of the
28 case, beyond the information within its own possession. Importantly, this Court

1 already warned Plaintiff of the potential for sanctions, including termination
2 sanctions, that may result from his “failure timely to comply fully” with the Court’s
3 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
4 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
5 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
6 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

7 **Opposing Party’s Position:** Plaintiff provided his response in a separate
8 document. *See* Matsushima Decl., ¶ 18, Ex. I.

9 **XXIII. INTERROGATORY NO. 23**

10 **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that
11 CSU marked YOU as a “high-level threat,” as alleged in paragraph 91 of the
12 COMPLAINT.

13 **Response:** Plaintiff provides this response based on either his current
14 recollection, memory, and information reasonably available, or its entirety.
15 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
16 allegation, as characterized by this interrogatory, but rather is factual. On the basis
17 of Plaintiff’s previously stated emphasis aforementioned above, Plaintiff
18 specifically reaffirms to the entirety of all his given information towards case
19 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

20 **Moving Party’s Position:** A party may serve on any other party written
21 interrogatories that “may relate to any matter that may be inquired into under Rule
22 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the
23 party to whom they are directed,” and the answering party must sign the responses.
24 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

25 In responding to discovery, an “evasive or incomplete disclosure, answer, or
26 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts
27 have “unambiguously” rejected as deficient the assertion that the requested
28 information is already in the propounding party’s possession. *Nat’l Acad. of*

1 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
2 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
3 ““answer an interrogatory by specifying records from which the answers may be
4 obtained and by making the records available for inspection,”” a “party that elects
5 to avail itself of this option . . . must ‘*specify where in the records the answers*
6 *[can] be found.*’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
7 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44–18–04A v. Hawaii–Nevada*
8 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
9 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

10 If a party “fails to obey an order to provide or permit discovery,” the court
11 may “issue further just orders,” including: prohibiting the disobedient party from
12 supporting or opposing designated claims or defenses, or from introducing
13 designated matters in evidence; striking pleadings in whole or in part; dismissing
14 the action or proceeding in whole or in part; or rendering a default judgment against
15 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very
16 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”
17 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider
18 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
19 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
20 discovery violations make it impossible for a court to be confident that the parties
21 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
22 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
23 ““carries the burden of demonstrating that the failure to comply with” disclosure
24 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966
25 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at *15).

26 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
27 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to
28 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to

1 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
2 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
3 response to each and every interrogatory referring to his prior court filings, which is
4 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
5 repeated failures to serve compliant responses thwarts the very purpose of
6 discovery, which is “to remove surprise from trial preparation so the parties can
7 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
8 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

9 Plaintiff’s failure to meaningfully participate in the discovery process has
10 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
11 be tried on the merits because CSU currently has no access to the “true facts” of the
12 case, beyond the information within its own possession. Importantly, this Court
13 already warned Plaintiff of the potential for sanctions, including termination
14 sanctions, that may result from his “failure timely to comply fully” with the Court’s
15 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
16 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks
17 sanctions including attorney’s fees and dismissal of this action or, in the alternative,
18 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

19 **Opposing Party’s Position:** Plaintiff provided his response in a separate
20 document. *See* Matsushima Decl., ¶ 18, Ex. I.

21 **XXIV. INTERROGATORY NO. 24**

22 **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that
23 CSU created a “hostile environment,” as alleged in paragraph 105 of the
24 COMPLAINT.

25 **Response:** Plaintiff provides this response based on either his current
26 recollection, memory, and information reasonably available, or its entirety.
27 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an
28 allegation, as characterized by this interrogatory, but rather is factual. On the basis

1 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff
2 specifically reaffirms to the entirety of all his given information towards case
3 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

4 **Moving Party's Position:** A party may serve on any other party written
5 interrogatories that "may relate to any matter that may be inquired into under Rule
6 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the
7 party to whom they are directed," and the answering party must sign the responses.
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9 In responding to discovery, an "evasive or incomplete disclosure, answer, or
10 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts
11 have "unambiguously" rejected as deficient the assertion that the requested
12 information is already in the propounding party's possession. *Nat'l Acad. of*
13 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.
14 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to
15 "answer an interrogatory by specifying records from which the answers may be
16 obtained and by making the records available for inspection," a "party that elects
17 to avail itself of this option . . . must '*specify where in the records the answers*
18 *[can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,
19 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*
20 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*
21 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

22 If a party "fails to obey an order to provide or permit discovery," the court
23 may "issue further just orders," including: prohibiting the disobedient party from
24 supporting or opposing designated claims or defenses, or from introducing
25 designated matters in evidence; striking pleadings in whole or in part; dismissing
26 the action or proceeding in whole or in part; or rendering a default judgment against
27 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while "very
28 severe," is justified based upon a showing of "willfulness, bad faith, and fault."

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2 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most
3 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s
4 discovery violations make it impossible for a court to be confident that the parties
5 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at
6 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions
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8 rules “is substantially justified or harmless.’” *Haas*, 679 F. Supp. 3d at 966
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10 Here, the Magistrate Judge previously found that CSU’s interrogatories consist
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12 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to
13 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.
14 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive
15 response to each and every interrogatory referring to his prior court filings, which is
16 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s
17 repeated failures to serve compliant responses thwarts the very purpose of
18 discovery, which is “to remove surprise from trial preparation so the parties can
19 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*
20 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

21 Plaintiff’s failure to meaningfully participate in the discovery process has
22 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot
23 be tried on the merits because CSU currently has no access to the “true facts” of the
24 case, beyond the information within its own possession. Importantly, this Court
25 already warned Plaintiff of the potential for sanctions, including termination
26 sanctions, that may result from his “failure timely to comply fully” with the Court’s
27 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to
28 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks

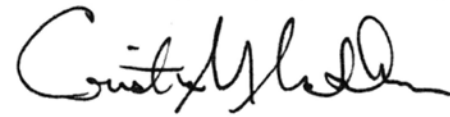
1 sanctions including attorney's fees and dismissal of this action or, in the alternative,
2 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

3 **Opposing Party's Position:** Plaintiff provided his response in a separate
4 document. *See* Matsushima Decl., ¶ 18, Ex. I.

5
6 Dated: February 25, 2025

Respectfully submitted,

7 ROB BONTA
8 Attorney General of California
9 BENJAMIN G. DIEHL
Supervising Deputy Attorney General

10 

11 CRISTINA M. MATSUSHIMA
12 Deputy Attorney General
Attorneys for Defendant

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14 Dated:

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17 EDWIN HAMID NAHAVANDI
Plaintiff in *Pro Per*

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CERTIFICATE OF SERVICE

Case Name: **Nahavandi v. Board of
Trustees of the CSU**

No. **2:24-cv-03791 RGK(Ex)**

I hereby certify that on February 25, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

LOCAL RULE 37 JOINT STIPULATION IN SUPPORT OF DEFENDANT'S MOTION FOR TERMINATING SANCTIONS AND MONETARY SANCTIONS OR, IN THE ALTERNATIVE, EVIDENTIARY SANCTIONS

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On February 25, 2025, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Edwin Nahavandi
5710 Comanche Ave.
Woodland Hills, CA. 91367
edwin.nahovandi@gmail.com

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on February 25, 2025, at Los Angeles, California.

Cecilia Apodaca
Declarant

/s/ Cecilia Apodaca
Signature